

REMARKS

The Final Office Action of October 19, 2004, has been received and reviewed.

Claims 1-27 are currently pending and under consideration in the above-referenced application, each standing rejected.

It is proposed that independent claim 1 be amended to include the limitations of claims 4, 5, and 7, that independent claim 11 be amended to incorporate the limitations of claims 12, 13, and 15, and that independent claim 21 be amended to include the limitations of claim 22.

It is also proposed that claims 4, 5, 7, 12, 13, 15, and 22 be canceled without prejudice or disclaimer.

It is further proposed that various dependent claims be revised in view of the proposed claim cancellations and to improve antecedent basis.

Reconsideration of the above-referenced application is respectfully requested.

Allowable Subject Matter

The indication that claims 7, 8, 15, 16, 22, and 23 recite allowable subject matter is noted with appreciation. It is proposed that the limitations of claims 7, 15, and 22 be incorporated into independent claims 1, 11, and 21, respectively, to place these claims in condition for allowance.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-6, 9-14, 17-21, and 24 stand rejected under 35 U.S.C. § 102(b).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Anwar

Claims 1-6 and 9-14 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by the subject matter described in U.S. Patent 6,030,368 to Anwar (hereinafter “Anwar”).

It is proposed that independent claim 1 be amended to include all of the limitations of claim 7, which the Office has indicated to be allowable over the subject matter described in Anwar. Accordingly, amended independent claim 1 also recites subject matter which, under 35 U.S.C. § 102(b), is allowable over the subject matter disclosed in Anwar.

Claims 4 and 5 have been canceled without prejudice or disclaimer, rendering the rejections of these claims moot.

Claims 2, 3, 6, 9, and 10 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

It is proposed that independent claim 11 be amended to include all of the limitations of claim 15, which the Office indicated is allowable over the subject matter described in Anwar. Therefore, under 35 U.S.C. § 102(b), the subject matter to which amended independent claim 11 is directed is also allowable over the subject matter described in Anwar.

As claims 12 and 13 have been canceled without prejudice or disclaimer, the rejections of these claims are moot.

Claim 14 is allowable, among other reasons, for depending directly from claim 11, which is allowable.

Lane

Claims 1-6, 9-14, 17-21, and 24 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by the subject matter described in U.S. Patent 5,733,258 to Lane (hereinafter “Lane”).

It is proposed that independent claim 1 be amended to include all of the limitations of claim 7, which the Office has indicated to be allowable over the subject matter described in Lane.

Accordingly, amended independent claim 1 also recites subject matter which, under 35 U.S.C. § 102(b), is allowable over the subject matter disclosed in Lane.

Claims 4 and 5 have been canceled without prejudice or disclaimer, rendering the rejections of these claims moot.

Claims 2, 3, 6, 9, and 10 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

It is proposed that independent claim 11 be amended to include all of the limitations of claim 15, which the Office indicated is allowable over the subject matter described in Lane. Therefore, under 35 U.S.C. § 102(b), the subject matter to which amended independent claim 11 is directed is also allowable over the subject matter described in Lane.

As claims 12 and 13 have been canceled without prejudice or disclaimer, the rejections of these claims are moot.

Claims 14 and 17-20 are each allowable, among other reasons, for depending directly or indirectly from claim 11, which is allowable.

It is proposed that independent claim 21 be amended to include the limitations of claim 22, which was indicated to be allowable over the subject matter described in Lane. As such, amended independent claim 21 is also allowable under 35 U.S.C. § 102(b) for being drawn to subject matter which is not anticipated by the disclosure of Lane.

Claim 24 is allowable, among other reasons, for depending from claim 21, which is allowable.

von der Decken

Claims 1-6, 9-14, 17, and 18 have also been rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,336,201 to von der Decken (hereinafter "von der Decken").

It is proposed that independent claim 1 be amended to include all of the limitations of claim 7, which the Office has indicated to be allowable over the subject matter described in von

der Decken. Accordingly, amended independent claim 1 also recites subject matter which, under 35 U.S.C. § 102(b), is allowable over the subject matter disclosed in von der Decken.

Claims 4 and 5 have been canceled without prejudice or disclaimer, rendering the rejections of these claims moot.

Claims 2, 3, 6, 9, and 10 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

It is proposed that independent claim 11 be amended to include all of the limitations of claim 15, which the Office indicated is allowable over the subject matter described in von der Decken. Therefore, under 35 U.S.C. § 102(b), the subject matter to which amended independent claim 11 is directed is also allowable over the subject matter described in von der Decken.

As claims 12 and 13 have been canceled without prejudice or disclaimer, the rejections of these claims are moot.

Claims 14, 17, and 18 are each allowable, among other reasons, for depending directly or indirectly from claim 11, which is allowable.

For these reasons, withdrawal of the 35 U.S.C. § 102(b) rejections of claims 1-6, 9-14, 17-21, and 24 is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 21, 25, 26, and 27 stand rejected under 35 U.S.C. § 103(a).

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure.
In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Pope and Lane

Claims 21, 25, and 26 have been rejected under 35 U.S.C. § 103(a) for being drawn to subject matter which is assertedly unpatentable over teachings from U.S. Patent 4,715,378 to Pope, Jr., et al. (hereinafter "Pope"), in view of the subject matter taught in U.S. Patent 5,733,258 to Lane (hereinafter "Lane").

It is proposed that independent claim 21 be amended to include the limitations of claim 22, which the Office has indicated to be allowable over the teachings of Pope and Lane, as these references do not, separately or in combination, teach or suggest each and every element of claim 22. Accordingly, under 35 U.S.C. § 103(a), amended independent claim 21 recites subject matter which is allowable over the subject matter taught in Pope and Lane.

Claims 25 and 26 are both allowable, among other reasons, for respectively depending directly and indirectly from claim 21, which is allowable.

Anwar and Lane

Claims 21 and 27 have been rejected under 35 U.S.C. § 103(a) for reciting subject matter which is allegedly unpatentable over teachings from Anwar, in view of the subject matter taught in Lane.

It is proposed that independent claim 21 be amended to include the limitations of claim 22, which the Office has indicated to be allowable over the teachings of Anwar and Lane, as these references do not, separately or in combination, teach or suggest each and every element of claim 22. Accordingly, under 35 U.S.C. § 103(a), amended independent claim 21 recites subject matter which is allowable over the subject matter taught in Anwar and Lane.

Claim 27 is allowable, among other reasons, for depending directly from claim 21, which is allowable.

Entry of Amendments

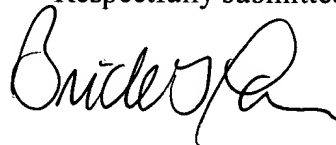
It is respectfully requested that the proposed claim amendments be entered. The proposed amendments do not introduce new matter into the application, nor would they require an additional search, as all of the subject matter that appears in the claims, as proposed to be amended, was previously included in at least one claim and, therefore, has already been searched. Moreover, the proposed amendments to claims 1, 11, and 21 place these claims in condition for allowance by incorporating subject matter which the Office has already indicated to be allowable into these claims.

In the event that a decision is made not to enter the proposed claim amendments, entry thereof upon the filing of a Notice of Appeal in the above-referenced application is respectfully requested.

CONCLUSION

It is respectfully submitted that each of claims 1-3, 6, 8-11, 14, 16-21, and 23-27 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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